

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

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|---------------------------|---|-----------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CV416-044 |
| |) | |
| BELINDA J. THOMAS, |) | |
| |) | |
| Defendant. |) | |

ORDER

This matter is before the court on the Government's motion for summary judgment. Doc. 20. Defendant Belinda Thomas has not filed a response. Once a motion for summary judgment is filed, the opponent should be afforded a reasonable opportunity to respond or oppose it. *Griffith v. Wainwright*, 772 F.2d 822, 825 (11th Cir. 1985). A reasonable opportunity includes not only time to respond, but notice and an explanation of rights that may be lost if a response is not filed. *Id.*

To make sure she fully understands the ramifications of the Government's motion and her failure to respond, the Court will explain the consequences of an unopposed motion for summary judgment.

A motion for summary judgment is dispositive, and thus granting such a motion ends the case, or a portion of the case, in the moving party's favor. Summary judgment should be granted "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). A party seeking summary judgment must support the motion with admissible *evidence* (such as documents, affidavits, or other material in the record) demonstrating that the asserted facts cannot be genuinely disputed. Fed. R. Civ. P. 56(c)(1). If the party seeking summary judgment bears this initial burden, then the opposing party must establish the existence of a genuine dispute as to a material fact sufficient to deny the motion. The opposing party cannot meet that burden by relying upon the conclusory, unsworn allegations of the pleadings. Rather, the opposing party must support his or her factual position by citing to admissible *evidence*. Should the non-movant fail to do so, then any evidentially supported factual assertions set forth in the motion for summary judgment will be accepted as true and judgment as a matter of law may be entered against the non-movant.

Accordingly, the Court will allow defendant to file any opposition

to plaintiff's motion for summary judgment, with appropriate evidentiary support, within 21 days of the date of this Order. To ensure that defendant's response is made with fair notice of the requirements of the summary judgment rule, the Court is attaching a copy of Fed. R. Civ. P. 56 to this Order. If defendant fails to respond, the Court will assume that she does not oppose plaintiff's motion for summary judgment. Local Rule 7.5 ("Failure to respond within the applicable time period shall indicate that there is no opposition to a motion.").

SO ORDERED, this 22nd day of November, 2016.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA